

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant(s):	Chen, et al.		
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Examiner:	Janice A. Mooneyham		
Title:	TRAVEL MANAGEMENT SYSTEM UTILIZING MULTIPLE COMPUTER RESERVATIONS SYSTEMS (CRS's)		

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APPEAL BRIEF UNDER 37 CFR § 41.37

This Appeal Brief is filed pursuant to the "Notice of Appeal to the Board of Patent Appeals and Interferences" filed March 21, 2006.

1. ***Real Party in Interest.***

The real party in interest in this appeal is GetThere Inc., the assignee of the above-referenced patent application.

2. ***Related Appeals and Interferences.***

There are no related appeals and/or interferences involving this application or its subject matter.

3. ***Status of Claims.***

The present appeal involves Claims 1, 2, 5-14, 16-25, and 28-43, which are presently under a final rejection as set forth by the Official Action mailed November 22, 2005. The claims at issue are set forth in the attached Claims Appendix.

4. ***Status of Amendments.***

An amendment to dependent Claim 5 was filed subsequent to the final Official Action of November 22, 2005. Claim 5 was amended to recite proper dependency to independent Claim 1. Examiner Mooneyham inadvertently failed to indicate in the Advisory Action that the amendment was entered for purposes of appeal, which was verified by Examiner Mooneyham's supervisor, John Weiss, via telephone on March 7, 2006. Therefore, the rejection of Claims 5-7 under 35 U.S.C. § 112, second paragraph, is overcome.

5. ***Summary of Claimed Subject Matter.***

Embodiments of the present invention provide a method, system, and machine-readable medium for travel management that utilizes multiple computer reservation systems (CRSs) for making travel related bookings. CRSs could be global distribution systems (GDSs) and direct connect CRSs. A client is capable of making travel bookings using more than one CRS for different travel item segments (e.g., air, car, and hotel) to choose a desired travel item. In addition, the client is capable of creating, changing, or canceling a booked travel item segment at one location (e.g., server) although each travel item segment may have been booked through different CRSs.

Independent Claims 1, 24, and 41 recite providing access to a plurality of computer reservation systems (CRSs) for a client initiating a travel booking request, and allowing the client to book at least one travel item segment from any one of the accessible CRSs. Similarly, independent Claim 12 recites a travel management system (TMS) for making travel related bookings that includes a server for providing access to a plurality of computer reservation systems (CRSs) for a client initiating a travel booking request. With reference to Figure 1, a block diagram illustrating an exemplary communications network is shown. Figure 1 depicts a server, such as a super passenger name record (PNR) travel management system (TMS) server 100 (e.g., web server and application server) coupled to, and in communication with, a storage device 110 (e.g., a database) and various client devices 106 via a network 108 (e.g., a computer network) (p. 7, lines 20-25). Various types of information can be communicated between the client devices 106 and PNR TMS server 100, such as customer travel profiles, corporate travel

policies, travel booking information related to airlines, car rentals, hotels, information related to CRSs and GDSs, and other information associated with requesting and booking travel related items for the client (p. 9, lines 14-19). Figure 2a shows that the client device (e.g., computer system) or server computer system may be a conventional data processing system 200, while Figure 2b shows the specific components of the data processing system according to one embodiment of the present invention.

Figure 3 of the present application depicts a block diagram of a super PNR TMS server 100 according to one embodiment of the present invention. The super PNR TMS server 100 includes a client interface 300, a booking engine 302, and a terminal access editor (TAE) 304 (p. 12, lines 1-2). The super PNR TMS server 100 is coupled to a plurality of CRSs 310, where the client initiating a travel booking request can access the CRSs (p. 12, lines 2-6). The client can book one or more predefined travel item segments from any one of the accessible CRSs, such as an air segment, a car segment, or other travel-related segments (p. 12, lines 7-11). The booking engine 302 accesses the database 110 to determine the predefined CRSs for the client and accesses the CRSs from the network of CRSs 310 to check availability of the travel items (p. 12, lines 12-14).

Claims 1 and 24 further recite generating a travel itinerary booking record including information associated with at least one booked travel item segment and information identifying each CRS for a respective booked travel item segment. The system of Claim 12 recites that the system also includes a booking engine that allows a client to book at least one travel item segment from any one of the accessible CRSs, wherein the booking engine generates a super passenger name record (PNR) including information associated with at least one booked travel item segment and information identifying each CRS for a respective booked travel item segment. Independent Claim 41 recites generating a travel itinerary booking record including information associated with the booked travel item segments, where each booked travel item segment is associated with a respective CRS and at least two booked travel item segments are associated with different CRSs. Dependent Claims 35, 37, and 39 recite that the information associated with each CRS for a respective booked travel item segment includes a name of the CRS and/or a CRS location.

With further reference to Figure 3, the present application demonstrates that a booked travel item segment is stored in a super PNR in the database 110 when the client selects a travel item segment, where the super PNR includes a CRS designation (e.g., the name of the CRS or a CRS locator) associated with each travel item segment (p. 12, lines 16-23). The super PNR booking record can be accessed by the client device via the client interface for modification, and the super PNR TMS server 100 can communicate with travel agencies and clients 312 that fulfill tickets booked through the super PNR TMS server (p. 12, lines 23-27).

As described above, the claimed invention facilitates access to a plurality of CRSs and allows a client to book at least one travel item segment from any one of the CRSs. Figure 4 depicts an exemplary set of CRSs, where the PNR TMS server 100 allows clients to access multiple CRSs, which could include multiple GDSs (e.g., GDS_s through GDS_n) and direct connect CRSs (e.g., CRS₁ through CRS_n) (p. 15, lines 3-19). For example, CRS₁ 404 may be for airline travel items, CRS₂ 406 could be for rental car travel items, and CRS₃ 408 could be for hotel travel items (p. 15, lines 19-22). As such, the client using the PNR TMS server 100 is capable of transparently making travel bookings using more than one CRS for different travel item segments (p. 16, lines 4-10).

Dependent Claims 8, 19, and 31 recite reading a predefined selection of the plurality of CRSs to be accessed during the travel booking request, and accessing the selected plurality of CRSs to check the availability of travel items at the CRSs for the travel booking request. Furthermore, dependent Claims 9, 20, and 32 recite that the predefined selection of the plurality of CRSs includes a default CRS or a primary CRS and at least one secondary CRS. Dependent Claim 18 recites that the system of Claim 12 further comprises a TAE to define a selection of the CRSs for the client to be stored in a database and accessed during the travel booking request for the client.

In this regard, the present application describes that the TAE 304 is employed to define and store predefined selections of CRSs to be accessed during the travel booking request (p. 16, lines 11-13). In particular, using the TAE 304, specific CRSs and conditions for specific travel item segments (e.g., air, car, and hotel) are predefined for the client (p. 16, lines 13-16). For example, a company may desire to use UNITED for airline reservations (e.g., via the APOLLO

GDS), but if the preferred CRS is unavailable, then the super PNR TMS server 100 can check SOUTHWEST (e.g., via the SABRE GDS). The predefined CRSs and conditions can be stored in database 110 and when the client logs onto the PNR TMS server 100, the super PNR is enabled, and the predefined CRSs and conditions are available to the booking engine 302 (p. 16, line 30 – p. 17, line 3).

Furthermore, Figure 5 depicts data 500 used by a TAE 304 to predefine the CRSs and conditions that are stored in a database 110 according to one embodiment of the present invention (p. 17, lines 8-20). In particular, the TAE 304 can be programmed by a site implementation consultant with TAE data 500 for a client (p. 17, lines 8-11). The data 500 can include a request type 502, which corresponds to a selection field, such as all, air availability, car availability, hotel availability, and low fare search (p. 17, lines 21-23). For instance, “all” is the default setting such that the super PNR TMS server 100 accesses the secondary CRSs, as well as the default or primary CRS, when performing availability inquiries (e.g., for air, car, and hotel) (p. 17, lines 23-29). In addition, the TAE may also have a CRS selection field pre-populated with the system names of each CRS participant supported by the super PNR TMS server (p. 18, lines 11-14). For example, the super PNR TMS server’s host CRS is usually the default CRS 506, although predefined primary 510 and secondary 514, 518 CRSs can be defined for the client (p. 18, lines 17-26). The TAE also includes TA (terminal access) group text entry fields 508, 512, 516, 520 that correspond to a specific TA address for the default, primary, and secondary CRSs (p. 18, lines 27-29). More specifically, the TA address is an internal code used by the super PNR TMS server to identify and facilitate the connection between each CRS for each client (p. 18, line 29 – p. 19, line 2). The TAE also has a condition selection field 524 to determine when the super PNR TMS server will utilize information gathered from the secondary CRSs (p. 19, lines 12-14).

As described above, independent Claims 1, 12, 24, and 41 recite that a plurality of CRSs are accessed in response to a travel booking request, and that the client can book at least one travel item segment from any one of the CRSs. In this regard, Figure 6 of the present application illustrates a flowchart of a process 600 for determining the availability of travel items for a travel booking request according to one embodiment of the present invention. A client initiates a

booking request (block 602), and the process determines whether super PNR functionality is enabled (block 604) (p. 22, lines 24-30). If the super PNR is not enabled, the standard default travel TMSs are utilized (block 606) (p. 23, lines 3-4). The process 600 reads the client configuration to determine and set the appropriate default or primary CRS, secondary CRSs and default groups, and other conditions for the travel request (block 610) (p. 23, lines 7-9). The process 600 then accesses the default or primary CRS typically via a booking engine (block 612) and, if travel items are available, the availability data is stored (block 614) (p. 23, lines 15-19). The process 600 also accesses the secondary CRSs to check availability of the requested travel items (block 616) (p. 23, lines 20-24). If the super PNR is enabled, the availability data for the travel items is then displayed to the client (block 620), where the client may then choose desired travel item segments (block 624) (p. 23, lines 25-28). If the client chooses travel item segments, the process 600 facilitates a booking process, which is illustrated in Figure 7 (block 626) (p. 23, lines 28-29).

Moreover, independent Claims 1, 12, and 24 recite that a travel itinerary booking record or super PNR is created that includes information associated with the booked travel item segment and information identifying each CRS for a respective booked travel item segment. Figure 7 depicts a process 700 for booking travel item segments according to one embodiment of the present invention. The process 700 first acquires the list of unique CRSs and TA groups for the travel item segments chosen by the client (block 702) (p. 24, lines 7-8). The process 700 then contacts each CRS for a respective travel item segment and books the segment of the travel itinerary with each CRS (block 704) (p. 24, lines 8-11). Moreover, the process 700 creates a travel itinerary booking record (i.e., the super PNR booking record) by storing for each travel item segment: the CRS locator, the CRS, the TA group, and other standard PNR data (e.g., name, address, telephone number, employer, etc.) (block 708) (p. 24, lines 12-16). The super PNR booking record is then stored in the database (block 710) and can be displayed to the client (block 712), where the client can create, change, or cancel booking travel item segments, despite the fact that the segments have been booked via different CRSs (p. 24, lines 18-20). Finally, the process 700 sends a super PNR notification email message to the client indicating the details of the super PNR booking record (block 716) (p. 24, lines 21-24).

Regarding the information that can be included in the travel itinerary booking record or super PNR, Figure 8 of the present application illustrates exemplary data 800 used in a super PNR booking record. For instance, the super PNR data includes PNR data 802 such as the name of the traveler 804, the address of the traveler 806, the employer of the traveler 810, a PNR record locator 811, in addition to other standard PNR data (p. 24, line 27 – p. 25, line 1). With respect to independent Claim 41, which recites that the travel itinerary booking record includes information associated with a plurality of booked travel item segments, Figure 8 also shows that the super PNR data could include data relating to an air segment 820, a car segment 830, and a hotel segment 840 (p. 25, lines 2-3). More specifically, the air segment data 820 could include the name of the airline 822, the data and time of the flight 824, super PNR data related to the CRS 826, super PNR data related to the TA group 828, super PNR data related to the CRS locator, and other standard PNR data (p. 25, lines 6-9). In addition, the car segment data 830 and hotel segment data 840 can include similar information, although various types of data can be included (p. 25, lines 9-18).

As such, the method, system, and computer-readable medium of the present application allow a client to transparently make travel bookings using more than one CRS, as well as edit booked travel item segments all at one location, such that booking and subsequent changes are indistinguishable from a regular booking using a standard GDS. In addition, the TMS of the present invention allows a client to create, change, and cancel booked travel item segments, although they are booked through different CRSs. If changes are made, the super PNR booking record reflects the changes even though the travel item segments may have been booked through different CRSs.

6. *Grounds of Rejection to be Reviewed on Appeal.*

- (i) Claims 1, 2, 5-8, 12-14, 16, 17, 24, 25, 28-31, 41, and 42 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over U.S. Patent No. 5,832,451 to Flake et al.; and
- (ii) Claims 9-11, 18-23, 32-40, and 43 stand rejected under 35 U.S.C. § 103(a), as being unpatentable over Flake in view of U.S. Patent No. 5,832,454 to Jafri et al.

7. ***Argument.***

(i) Independent Claims 1, 12, and 24

Flake discloses an automated travel service management information system. The system stores business entity information and/or an individual profile for each agency customer in a relational database. For example, the individual profile could include a customer's personal information and travel preferences. The system also maintains information retrieved from a plurality of computer reservation systems in the relational database. Thus, the system centralizes the travel service information received from the computer reservation systems by integrating the different information and commands into one format for use by all travel agents. Consequently, agents are not required to access more than one computer reservation system and may also change a travel arrangement in response to a request.

Jafri discloses reservation software employing multiple virtual agents to complete travel reservations. More specifically, Jafri discloses that the reservation software is run on a personal computer that is connected through a server node and to a computer reservation system. A user is able to input a request for travel (e.g., flight, car rental, or hotel) and receive multiple travel options (e.g., three lowest fares) from the CRS using respective connections to the CRS. The travel options may be selected in accordance with user preferences stored in the reservation software. The user inputs each segment associated with a particular type of travel (e.g., the first leg of a flight), selects a desired segment, and repeats the process to build an itinerary. After the reservation has been completed for one type of travel (e.g., flight), additional reservations may be made for additional travel requirements (e.g., car rental or hotel).

Independent Claims 1 and 24 recite providing access to a plurality of computer reservation systems (CRSs) for a client initiating a travel booking request, and allowing the client to book at least one travel item segment from any one of the accessible CRSs. Claims 1 and 24 further recite generating a travel itinerary booking record including information associated with at least one booked travel item segment and information identifying each CRS for a respective booked travel item segment.

Similarly, independent Claim 12 recites a travel management system (TMS) for making travel related bookings that includes a server for providing access to a plurality of computer

reservation systems (CRSs) for a client initiating a travel booking request. The system of Claim 12 also includes a booking engine that allows a client to book at least one travel item segment from any one of the accessible CRSs, wherein the booking engine generates a super passenger name record (PNR) including information associated with at least one booked travel item segment and information identifying each CRS for a respective booked travel item segment.

Thus, the travel itinerary booking record or super PNR recited by independent Claims 1, 12, and 24 includes information associated with each CRS for respective booked travel item segments. For example, as further defined in dependent Claims 35, 37, and 39, the information associated with each CRS for a respective booked travel item segment includes a name of the CRS and/or a CRS locator. The travel itinerary booking record or super PNR also includes information associated with at least one booked travel item segment. For example, the travel itinerary booking record or super PNR could include standard PNR data, such as the traveler's name, address, telephone number, employer, etc.

Applicants submit that Flake is distinguishable due to the fact that Flake does not teach or suggest generating a travel itinerary booking record or super PNR that includes information associated with at least one booked travel item segment and information identifying each CRS for a respective booked travel item segment, as recited by independent Claims 1, 12, and 24. The Examiner acknowledges that Flake does not teach this particular recitation but finds that the information on the travel booking record or super PNR is non-functional descriptive data. More specifically, the Examiner alleges that “[t]he method steps would be performed the same regardless of what type [of] data is on the record since the data [is] no [sic] functionally interrelated with the steps of the method and thus will not distinguish the claimed invention from [sic] the prior art in terms of patentability.”

Applicants respectfully disagree, as the type of information provided on the travel booking record or PNR affects *how* the steps of the claims are performed. MPEP § 2106 states that a process that is different from the prior art with respect to functional descriptive material that alters how the process steps are to be performed must be considered in assessing patentability under 35 U.S.C. § 103(a), which is unlike non-functional descriptive material, such as “music or a literary work, encoded on a medium,” “descriptive material [that] does not

reconfigure the computer,” or “storing a song on a disk.” In contrast to the clear examples of non-functional descriptive material set forth in MPEP § 2106, the method of Claim 1 recites generating a travel booking record that includes generating information in addition to standard PNR information. For example, the information identifying each CRS affects how a data processing system operates when generating such information. In this regard, code would need to be written to perform the functions of the data processing system (i.e., the generating step) including, in particular, code to generate a travel itinerary booking record or super PNR including information associated with at least one booked travel item segment and information identifying each CRS for a respective booked travel item segment. Thus, generating a travel itinerary booking record or super PNR that includes information identifying each CRS for a respective booked travel item segment affects how the method is performed by requiring steps to be taken to compile the information identifying each CRS for a respective booked travel segment and including it in the travel itinerary booking record or super PNR that is generated, which differs from conventional techniques for generating standard PNR’s. The impact of the information identifying each CRS for a respective booked travel item segment upon how the steps of the method are performed and the resulting conclusion that such information is, in fact, functional descriptive material is in sharp contrast to the steps of storing data in which the type of data being stored does not affect how the step is performed, and the data is properly considered non-functional descriptive material. The same reasoning holds true for independent Claims 12 and 24, which recite a system and machine-readable medium, respectively, as the information affects how the system performs and how the information is encoded on the machine-readable medium.

Moreover, Applicants submit that the cases relied upon by the Examiner, namely *In re Gulack*, 703 F.2d 1381 (Fed. Cir. 1983), and *In re Lowry*, 32 F.3d 1579 (Fed. Cir. 1994), provide precedent that actually supports the Applicants’ position set forth above. In particular, *In re Lowry* is instructive, as the claims at issue involved claims relating to a memory, data processing system, and methods for processing and creating data structures. The Federal Circuit held that “the Board erroneously extended a ‘printed matter rejection’ [set forth in *In re Gulack*] under sections 102 and 103 to a new field in this case, which involves information stored in a

memory.” 32 F.3d. at 1583. Moreover, the court in *In re Lowry* stated that “[t]he printed matter cases have no factual relevance where ‘the invention as defined by the claims requires that the information be processed not by the mind but by the machine, the computer.’” *Id.* (citing *In re Berhardt*, 417 F.2d 1395, 1399 (C.C.P.A. 1969)). Like the claims distinguished from the printed matter cases in *In re Lowry*, the method, system, and machine-readable medium of the claimed invention dictate how the travel itinerary booking record and super PNR are generated and what information is provided thereon, i.e., information associated with at least one booked travel item segment and information identifying each CRS for a respective booked travel item segment. Furthermore, the Federal Circuit stated in *In re Lowry* that the Applicant “[did] not claim merely the information content of a memory,” *id.*, which is analogous to the claims of the present application, where it is the generation of the travel booking record and super PNR that is claimed rather than the travel booking record or super PNR. Therefore, as set forth in *In re Lowry*, the claims of the present application “are not analogous to printed matter,” and the Examiner “is not at liberty to ignore such limitations.” *Id.* at 1584.

In the final Official Action, the Examiner took Official Notice that it is old and well known to document and record information associated with travel items so as to have the information available when needed. The Applicants requested that the Examiner produce a reference or other evidence supporting the Examiner’s Official Notice. However, the Examiner indicated in the Advisory Action that the Applicants failed to traverse the Examiner’s Official Notice and even if the Applicants’ arguments were considered to be a traversal, the traversal was inadequate “to create on its face a reasonable doubt regarding the circumstances justifying Examiner’s notice of what is well known to one of ordinary skill in the art.”

In rebuttal, Applicants submit that the Examiner’s Official Notice was adequately traversed. Namely, Applicants stated in response to the Official Notice that such notice was not “instant and unquestionable” as being well known at the time of the invention, as set forth in MPEP § 2144.03, and requested that the Examiner provide evidence supporting Official Notice. It is initially noted that the Examiner’s Official Notice is made in such broad terms that it is difficult to ascertain what is actually being asserted as common knowledge in the art. In particular, the Examiner does not specifically describe what information associated with travel

items is old and well known to be documented and recorded. Accordingly, the Examiner's reasoning and the basis for such reasoning was not set forth explicitly. *Id.*

Moreover, besides the fact that Official Notice "should be rare when the application is under final rejection," Applicants' request for evidence in support of Official Notice was more than "[a] general allegation that the claims define a patentable invention without any reference to the examiner's assertion of official notice." *Id.* MPEP § 2144.03 states that "[t]o adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well known in the art," and cites 37 C.F.R. § 1.111(b) and *In re Chevenard*, 60 U.S.P.Q. 239 (C.C.P.A. 1943) in support. However, 37 C.F.R. § 1.111(b) relates to replies to non-final office actions, while no similar requirement is set forth for replies to final office actions. Also, *In re Chevenard* simply states that "in the absence of any demand by appellant for the examiner to produce authority for his statement, [the C.C.P.A.] will not consider this contention." 60 U.S.P.Q. at 241. In this regard, Applicants at least submitted a demand that the Examiner provide evidence supporting Official Notice.

In fact, 37 C.F.R. § 1.104(d)(2), which is also cited by the Examiner in the Advisory Action, states:

When a rejection in an application is based on facts within the personal knowledge of an employee of the Office, the data shall be as specific as possible, and the reference must be supported, when called for by the applicant, by the affidavit of such employee, and such affidavit shall be subject to contradiction or explanation by the affidavits of the applicant or other persons.

Thus, not only did the Examiner not provide Official Notice that was "specific as possible," all that is required of the Applicant is to "call for" the Examiner to provide a reference. Certainly, this requirement was satisfied in the Applicants' request for the Examiner to provide a reference or other evidence to support Official Notice.

Finally, the Examiner relies on *In re Boon*, 439 F.2d 724, 728 (1971), which states that "[a]n adequate traverse must contain adequate information or argument to create on its face a reasonable doubt regarding the circumstances justifying Examiner's notice of what is well known to one of ordinary skill in the art." However, the portion of *In re Boon* (which is not cited

in the MPEP) relied upon by the Examiner was taken out of context, as that statement was referring to the Board of Appeal's taking of judicial notice in order to clarify a position taken by the Examiner during prosecution. More specifically, the Board relied upon a dictionary in order to support a fact judicially noticed, which the Appellant regarded as a new ground of rejection in which there was no opportunity to respond. The C.C.P.A. rejected the Appellant's argument and, instead, found that the dictionary was simply used to "fill in the gaps" of the Examiner's ground for rejection and that there was nothing in the record before the Board following its decision to indicate a challenge to the judicial notice. As such, Applicants submit that the Examiner's reliance on *In re Boon* is misplaced and inapplicable to the circumstances of the present application. Therefore, Applicants respectfully submit that the Examiner's Official Notice was adequately traversed and that sufficient evidence to support such Official Notice should have been provided.

Even assuming for argument that Official Notice was insufficiently traversed, the allegation that it is known to document and record information associated with travel items does not necessarily suggest that it would be known to record any particular type of information, such as the information identifying each CRS for a booked travel segment, as recited by the claimed invention. Moreover, Applicants submit that Flake teaches away from including information identifying each CRS for a respective booked travel item segment. More specifically, Flake only discloses that "[a] PNR is a record of travel arrangements made in the past for a customer, which can be identified by the customer's name" (col. 8, lines 51-53); thus, Flake simply discloses PNRs containing standard information. In addition, Flake discloses that tasks associated with PNRs may be sorted by CRS. Flake also discloses that "a queue may list five PNRs, three related to airline travel, and two related to bus travel. Airline travel arrangements are typically made using information from an airline travel [CRS], while bus travel arrangements are made using information from a different [CRS]" (col. 14, lines 62-67). Thus, Flake only discloses that queues associated with a specific PNR can be sorted by CRS, such as all PNRs associated with airline travel. Because each PNR is sorted by CRS in order to carry out specific tasks relating to each PNR, Applicants submit that there is no teaching to include information identifying each CRS for a respective booked travel item segment. In this regard, Flake generally discloses that

airline travel arrangements are associated with a specific airline CRS, while any other travel item segment (e.g., hotel or car rental) is associated with another particular CRS. Moreover, Flake only discloses that PNRs can be identified by a passenger's name. As such, there is simply no teaching within Flake to provide a travel itinerary booking record including information associated with at least one booked travel item segment and information identifying each CRS for a respective booked travel item segment, as recited by Claims 1, 12, and 24.

Moreover, Jafri shares similar shortcomings as Flake. In this regard, Jafri does not teach or suggest generating a travel itinerary booking record including information associated with at least one booked travel item segment and information identifying each CRS for a respective booked travel item segment, as recited by Claims 1, 12, and 24. In contrast, Jafri simply refers to PNRs as "the basis of the reservation within the CRS, as is well known in the art" (col. 6, lines 26-27), and does not otherwise indicate that the PNR would include any additional information other than standard PNR data. In addition, Jafri only allows a user to individually make reservations for different travel segments (e.g., flight, hotel, or car rental) with respective CRSs (col. 6, lines 46-47) but there is no teaching or suggestion to provide any information identifying a CRS on the PNR.

Therefore, the rejection of Claims 1, 12, and 24 under 35 U.S.C. § 103(a) is overcome. Since the dependent claims include each of the recitations of respective independent Claims 1, 12, and 24, the rejection of the dependent claims is also overcome for at least the same reasons as described above in conjunction with the independent claims.

(ii) Independent Claim 41

The Examiner grouped Claim 41 with the rejection of independent Claims 1, 12, and 24 in the final Official Action but did not specifically address the claim. Independent Claim 41 was added in an Amendment dated August 22, 2005 prior to the final Official Action. Claim 41 recites providing access to a plurality of CRSs for a client initiating a travel booking request, allowing the client to book a plurality of travel item segments from accessible CRSs, and generating a travel itinerary booking record including information associated with the plurality of booked travel item segments, where each booked travel item segment is associated with a

respective CRS and at least two booked travel item segments are associated with different respective CRSs.

Flake does not teach or suggest generating a travel itinerary booking record that includes information associated with a plurality of booked travel item segments, where each booked travel item segment is associated with a CRS and at least two booked travel item segments are associated with different CRSs, as recited by independent Claim 41. As described above, Flake discloses that tasks associated with PNRs may be sorted by CRS. As also described above, Flake discloses that “a queue may list five PNRs, three related to airline travel, and two related to bus travel. Airline travel arrangements are typically made using information from an airline travel [CRS], while bus travel arrangements are made using information from a different [CRS]” (col. 14, lines 62-67). Thus, Flake only discloses that a PNR includes information derived from a single CRS, while independent Claim 41 recites that a PNR includes information for a plurality of booked travel item segments associated with different respective CRSs.

Moreover, Jafri does not teach or suggest generating a travel itinerary booking record including information associated with the plurality of booked travel item segments, where each booked travel item segment is associated with a respective CRS and at least two booked travel item segments are associated with different respective CRSs, as recited by Claim 41. Although Jafri discloses that separate PNRs may be created for each flight option returned to a user and that different flight options for each terminal address (TA) can be placed on a PNR, the user only accesses a single CRS to reserve a particular travel segment (e.g., flight, hotel, or car rental). Because Jafri only permits users to access a single CRS to complete a reservation for different travel item segments (e.g., flight, hotel, or car rental), there is no teaching or suggestion within Jafri to provide information identifying different CRSs for different booked travel item segments on a single travel itinerary booking record.

Even assuming the Examiner believes that Claim 41 also includes non-functional descriptive information, Applicants submit that the claim recites a travel booking record including functional-descriptive information. As discussed above, generating information identifying each CRS for a respective booked travel item segment affects how the method is performed. Similarly, conventional booking records, such as those disclosed by Flake and Jafri,

include standard PNR data for a single booked travel item segment (e.g., flight) rather than information associated with a plurality of booked travel item segments. Thus, the information associated with a plurality of booked travel item segments affects how the generating step is performed, such as by the operation of a data processing system performing the generating step (i.e., code written to perform this function).

As such, neither Flake nor Jafri, taken alone or in combination, teaches or suggests independent Claim 41, and Claim 41 recites functional-descriptive material. Thus, Applicants submit that the rejection of independent Claim 41, and all those claims that depend therefrom, under 35 U.S.C. § 103(a) is overcome.

(iii) Dependent Claims 8, 19, 31

Each of the dependent claims includes the recitations of a respective independent claim and is, therefore, patentably distinct from the cited references for the reasons described above. Furthermore, Applicants submit that neither Flake nor Jafri, taken alone or in combination, teaches or suggests the recitations set forth by several dependent claims of the present application, thereby providing additional bases of distinction. For example, the cited references do not teach or suggest dependent Claims 8, 19, and 31, which recite reading a predefined selection of the plurality of CRSs to be accessed during the travel booking request, and accessing the selected plurality of CRSs to check the availability of travel items at the CRSs for the travel booking request. The Examiner relies on portions of Flake that disclose profile information, such as vendor preferences, may be contained in the relational database. In addition, Flake discloses that the system may prompt a travel agent to determine whether a travel services vendor should be contacted to complete a selected transaction.

However, Applicants submit that Claims 8, 19, and 31 are distinctly different from Flake, as the predefined selections relate to predefined CRSs, rather than vendors, that may be accessed. In fact, Flake specifically defines a CRS as a “computer reservation system,” in contrast to “vendors (e.g., airlines),” which provides support that Flake intended there to be a distinction between the two. Moreover, Flake only discloses that “the agent can take the customer’s preferences into account” (col. 4, lines 13-16), but does not teach or suggest that the agent

accesses the vendor for checking availability. Thus, Applicants submit that the vendor preferences of Flake are clearly distinct from the selected CRSs that are accessed to check the availability of travel items at the CRSs for a travel booking request, as recited by Claims 8, 19, and 31. Jafri share similar shortcomings as Flake, as Jafri simply discloses that travelers may enter preferences, such as airline preferences (col. 2, lines 35-43). Jafri refers to CRSs independently of the traveler's preferences, and there is no teaching or suggestion to predefine a selection of CRSs, as each CRS is accessed according to the type of travel segment requested (e.g., flight, hotel, or car rental).

(iv) Dependent Claims 9, 20, and 32

Moreover, neither cited reference teaches nor suggests dependent Claims 9, 20, and 32, which recite that the predefined selection of the plurality of CRSs includes a default CRS or a primary CRS and at least one secondary CRS. The Examiner acknowledges that Flake does not teach this particular recitation but believes that Jafri overcomes Flake's shortcomings. In this regard, Jafri discloses that flights are selected based on seat availability in a desired class, such as best fare, coach, business, or first class. Applicants respectfully submit that it is well known in the art that CRSs provide availability, pricing, and booking capabilities, which are distinctly different from a particular seat class. Furthermore, Jafri discloses that the flights are selected based on availability of the pre-selected seat class, where the availability of a particular seat class has no correlation to a particular CRS, such as a GDS or direct connect CRS. In fact, different seat classes may be present on a single CRS such that the Examiner's reliance on Jafri as disclosing Claims 9, 20, and 32 is misplaced.

(v) Dependent Claim 18

In addition, neither Flake nor Jafri discloses dependent Claim 18, which recites that the system of Claim 12 further comprises a terminal access editor (TAE) to define a selection of the plurality of computer reservation systems (CRSs) for the client to be stored in a database and accessed during the travel booking request for the client. The Examiner concedes that Flake does not disclose this particular recitation, but relies on Jafri, which discloses server files

including Client Servicing files relating to the assignment of a Terminal Addresses (TA) used to access the CRS and files relating to the algorithm used to process travel requests. However, TA's refer to one or more connections to a CRS, while the TAE of the claimed invention is a component of the super PNR TMS server that can be programmed for the client to define the CRSs the client wishes to use. For example, Figure 5 of the present application illustrates data used by a TAE to define the CRSs, and demonstrates that the assignment of TA's for accessing a particular CRS is distinctly different than the TAE that defines a selection of CRSs for the client for storing on a database or accessing during the booking request.

The Examiner also finds that to define a selection of a plurality of CRSs for the client to be stored in a database and accessed during the travel booking request for the client is directed to "intended use." However, the functions for which the TAE is configured are not mere intended use. Moreover, MPEP § 2106 states that the "intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation." Claim 18 nowhere indicates that the selection of CRSs stored in a database and accessed during booking is optional and, rather, it necessarily limits the scope of the claim. Applicants do not generically claim a TAE but rather a TAE that is used to define a selection of CRSs to be stored in a database and accessed during the booking request. Therefore, Applicants submit that all recitations of dependent Claim 18 should be considered for purposes of patentability.

(vi) Dependent Claims 35, 37, and 39

Moreover, none of the cited references teach or suggest dependent Claims 35, 37, and 39, which recite that the information associated with each CRS for a respective booked travel item segment includes a name of the CRS and/or a CRS locator. The Examiner finds that this recitation is non-functional descriptive data not related to the steps of the method or the structure of the system. However, as described above with respect to independent Claims 1, 12, and 24, the information provided on the travel booking record or super PNR is necessarily functional and is distinguishable for at least those reasons discussed above with respect to independent Claims

1, 12, and 24. In addition, the specification of the present application elaborates upon the functionality of this information by stating that the CRS locator can be used to search for booking records (p. 25, lines 29-30) such that a client can locate a PNR and create, change, or cancel booked travel item segments even though they are associated with different CRSs. In contrast, Flake discloses that PNRs can be located in the relational database using the passenger's name and does not teach or suggest that any other information, other than standard PNR data, is stored on the PNR. Moreover, Jafri simply discloses that the "PNR is the basis of the reservation within the CRS, as is well-known in the art" (col. 6, lines 25-26), and that the PNR can include the passenger's name and registration number (col. 7, lines 13-15). As such, Jafri does not teach or suggest that the PNR would include any additional information beyond standard PNR data, such as a name of a CRS or a CRS locator.

Consequently, Applicants submit that, for at least those reasons above, the rejection of dependent Claims 8, 9, 18-20, 31, 32, 35, 37, and 39 under 35 U.S.C. § 103(a) is overcome for at least those reasons discussed above.

CONCLUSION

For the above reasons, it is submitted that the rejections of Claims 1, 2, 5-14, 16-25, and 28-43 are erroneous and reversal of the rejections is respectfully requested. A Claims Appendix containing a copy of claims involved in the appeal, an Evidence Appendix, and a Related Proceedings Appendix are attached.

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Claims Appendix

1. (Previously Presented) A method for making travel related bookings, comprising:
providing access to a plurality of computer reservation systems (CRSs) for a client
initiating a travel booking request;

allowing the client to book at least one travel item segment from any one of the
accessible CRSs; and

generating a travel itinerary booking record including information associated with at least
one booked travel item segment and information identifying each CRS for a respective booked
travel item segment,

wherein at least one of the providing, allowing, and generating steps is performed by a
data processing system.

2. (Original) The method of claim 1, wherein a travel item segment is one of an air
segment, a car segment, or a hotel segment.

3. (Cancelled)

4. (Cancelled)

5. (Previously Presented) The method of claim 1, further comprising, storing the
travel itinerary booking record for the at least one booked travel item segment.

6. (Previously Presented) The method of Claim 5, further comprising, displaying
the travel itinerary booking record to the client.

7. (Original) The method of claim 6, further comprising, allowing the client to
modify the travel itinerary booking record.

8. (Original) The method of claim 1, wherein providing access to the plurality of computer reservation systems (CRSs) for the client includes:

reading a predefined selection of the plurality of CRSs to be accessed during the travel booking request; and

accessing the selected plurality of CRSs to check the availability of travel items at the CRSs for the travel booking request.

9. (Original) The method of claim 8, wherein the predefined selection of the plurality of CRSs includes a default CRS or a primary CRS and at least one secondary CRS.

10. (Original) The method of claim 8, wherein allowing the client to book at least one travel item segment from any one of the accessible CRSs includes:

displaying available travel items accessed from the selected plurality of CRSs for the travel booking request;

allowing the client to select a desired travel item; and

for each selected travel item,

booking the selected travel item with the respective CRS.

11. (Original) The method of claim 10, wherein only a lowest cost travel item accessed from the selected plurality of CRSs is displayed.

12. (Previously Presented) A travel management system (TMS) for making travel related bookings, the TMS comprising:

a server to provide access to a plurality of computer reservation systems (CRSs) for a client initiating a travel booking request; and

a booking engine to allow the client to book at least one travel item segment from any one of the accessible CRSs, wherein the booking engine generates a super passenger name record (PNR) including information associated with at least one booked travel item segment and information identifying each CRS for a respective booked travel item segment.

13. (Original) The travel management system of claim 12, wherein a travel item segment is one of an air segment, a car segment, or a hotel segment.

14. (Previously Presented) The travel management system of claim 12, further comprising, a database to store the super PNR including the at least one booked travel item segment.

15. (Cancelled)

16. (Original) The travel management system of claim 14, further comprising, a client interface to cause the display of the super PNR to the client.

17. (Previously Presented) The travel management system of claim 12, wherein the client interface allows the client to modify the super PNR.

18. (Original) The travel management system of claim 12, further comprising a terminal access editor (TAE) to define a selection of the plurality of computer reservation systems (CRSs) for the client to be stored in a database and accessed during the travel booking request for the client.

19. (Original) The travel management system of claim 18, wherein the booking engine:

reads the database to determine the selected plurality of CRSs to be accessed during the travel booking request; and

accesses the selected plurality of CRSs to check the availability of travel items at the CRSs for the travel booking request.

20. (Original) The travel management system of claim 19, wherein the selection of the plurality of CRSs includes a default CRS or a primary CRS and at least one secondary CRS.

21. (Original) The travel management system of claim 19, further comprising a client interface to:

display available travel items accessed from the selected plurality of CRSs for the travel booking request at the client; and

allow the client to select a desired travel item.

22. (Original) The travel management system of claim 21, wherein for each selected travel item, the booking engine books the selected item with the respective CRS.

23. (Original) The travel management system of claim 21, wherein only the lowest cost travel item accessed from the selected plurality of CRSs is displayed.

24. (Previously Presented) A machine-readable medium having stored thereon instructions, which when executed by a machine, cause the machine to perform the following:

providing access to a plurality of computer reservation systems (CRSs) for a client initiating a travel booking request;

allowing the client to book at least one travel item segment from any one of the accessible CRSs; and

generating a travel itinerary booking record including information associated with at least one booked travel item segment and information identifying each CRS for a respective booked travel item segment.

25. (Original) The machine-readable medium of claim 24, wherein a travel item segment is one of an air segment, a car segment, or a hotel segment.

26. (Cancelled)

27. (Cancelled)

28. (Previously Presented) The machine-readable medium of claim 24, further comprising, storing the travel itinerary booking record for the at least one booked travel item segment.

29. (Original) The machine-readable medium of claim 28, further comprising, displaying the travel itinerary booking record to the client.

30. (Original) The machine-readable medium of claim 29, further comprising, allowing the client to modify the travel itinerary booking record.

31. (Original) The machine-readable medium of claim 24, wherein providing access to the plurality of computer reservation systems (CRSs) for the client includes:

reading a predefined selection of the plurality of CRSs to be accessed during the travel booking request; and

accessing the selected plurality of CRSs to check the availability of travel items at the CRSs for the travel booking request.

32. (Original) The machine-readable medium of claim 31, wherein the predefined selection of the plurality of CRSs includes a default CRS or a primary CRS and at least one secondary CRS.

33. (Original) The machine-readable medium of claim 31, wherein allowing the client to book at least one travel item segment from any one of the accessible CRSs includes:

displaying available travel items accessed from the selected plurality of CRSs for the travel booking request;

allowing the client to select a desired travel item; and

for each selected travel item,

booking the selected travel item with the respective CRS.

34. (Original) The machine-readable medium of claim 33, wherein only a lowest cost travel item accessed from the selected plurality of CRSs is displayed.

35. (Previously Presented) The method of claim 1, wherein the information associated with each CRS for a respective booked travel item segment includes at least one of a name of the CRS and a CRS locator.

36. (Previously Presented) The method of claim 1, wherein the CRSs include global distribution systems (GDSs) and direct connect CRSs.

37. (Previously Presented) The travel management system of claim 12, wherein the information associated with each CRS for a respective booked travel item segment includes at least one of a name of the CRS and a CRS locator.

38. (Previously Presented) The travel management system of claim 12, wherein the CRSs include global distribution systems (GDSs) and direct connect CRSs.

39. (Previously Presented) The machine-readable medium of claim 24, wherein the information associated with each CRS for a respective booked travel item segment includes at least one of a name of the CRS and a CRS locator.

40. (Previously Presented) The machine-readable medium of claim 24, wherein the CRSs include global distribution systems (GDSs) and direct connect CRSs.

41. (Previously Presented) A method for making travel related bookings, comprising:
providing access to a plurality of computer reservation systems (CRSs) for a client
initiating a travel booking request;
allowing the client to book a plurality of travel item segments from accessible CRSs; and
generating a travel itinerary booking record including information associated with the
plurality of booked travel item segments, each booked travel item segment associated with a
respective CRS and at least two booked travel item segments are associated with different
respective CRSs,
wherein at least one of the providing, allowing, and generating steps is performed by a
data processing system.

42. (Previously Presented) The method according to claim 41, wherein a travel item
segment is one of an air segment, a car segment, or a hotel segment.

43. (Previously Presented) The method according to claim 41, wherein the CRSs
include global distribution systems (GDSs) and direct connect CRSs.

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Evidence Appendix

No additional evidence is provided.

Related Proceedings Appendix

There are no related proceedings.